

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Berlowitz et al.

Serial No.: 08/971,254

Filing Date: November 17, 1997

For: Synthetic Diesel Fuel and Process for Production

Art Unit: 1111

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PETITION TO ACCORD FILING DATE

Applicants hereby petition the Commissioner to accord the filing date of November 17, 1997 to the above identified application.

The subject application was filed on November 17, 1997 as a continuation of application serial no. 08/544,345 that issued on November 18, 1997 as U.S. Patent No. 5,689,031. The filing included a copy of the parent application serial no.

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08/544,345 as filed, a listing of the inventors and a transmittal letter. The filing fee of \$790.00 was charged to applicants attorney's deposit account in accordance with the instructions in the transmittal letter. Unfortunately, as applicants' attorney discovered after he received a Notice of Improper FWC Filing

Under 37 CFR 1.62 No Filing Date Granted (copy enclosed), applicants' attorney had inadvertently used the transmittal letter for a file wrapper continuation rather than one under then Rule 60, and applicants attorney's secretary failed to include a copy of the Declaration from the parent application. The filing did, however, contain all the elements required to receive a filing date for a patent application, including the specification with claims, the drawings and naming of the inventors. In addition, the filing fee was paid.

Applicants' therefore respectfully request that the filing date of November 17, 1997 be accorded to the present application, either as a continuation application, or under Rule 53 as an incomplete application - filing date granted.

The petition fee in the amount of \$130.00 is included. If any additional petition fee is required, please charge it to our deposit account no. 23-0800.

Respectfully submitted,



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